

REMARKS/ARGUMENTS

Before this Amendment, claims 1-39 were present for examination. Claims 1, 9, 10, 14, 17, 24, 27, 28, 30, 31, 33, 34, 37, and 38 are amended. Claims 4, 5, 25, 26, 29, and 35 are canceled, while no new claims are added. Therefore, claims 1-3, 6-24, 27, 28, 30-34, and 36-39 are now present for examination, with claims 1, 9, 10, 14, 17, 24, 32, 33, 36, 37, and 38 the independent claims. Applicants thank the Examiner for indicating that claims 32 and 36 are allowable. No new matter is presented with the amendments, as support for the amendments may be found in the Specification (Original Application, p. 10, ¶ 24; p. 11, ¶ 27; p. 12, ¶ 30, 32; p. 15, ¶ 42, 43; Fig. 7, Ref. Num. 706, 710, 712; Fig. 9, Ref. Num. 908; Fig. 11, Ref. Num. 1114; Fig. 12, Ref. Num. 1208).

Therefore, claims 1-3, 6-24, 27, 28, 30, 31, 33, 34, and 37-39 are now presented for reconsideration and allowance in light of the amendments. Applicants recognize that a new search will need to be performed, and thus a Request for Continued Examination is filed concurrently herewith in order to expedite prosecution.

The Final Office Action dated May 8, 2006 ("Final Office Action") rejected claims 1-4, 8-11 and 14-16 under 35 USC §102(e) as anticipated by the cited portions of U.S. Patent No. 6,912,395 to Benes et al. (hereinafter "Benes"). The Final Office Action rejected claims 5-7 and 12-13 under 35 U.S.C. §103(a) as unpatentable over Benes in view of additional art. The Final Office Action rejected claims 17-22 and 24 under 35 U.S.C. §103(a) as unpatentable over the cited portions of U.S. Patent No. 6,650,902 to Richton (hereinafter "Richton") in view of the cited portions of U.S. Patent 6,799,049 to Zellner et al. (hereinafter "Zellner"). The Final Office Action rejected claims 23 and 27-31 under 35 U.S.C. §103(a) as unpatentable over Richton in view of Zellner and further in view of additional art. The Final Office Action rejected claims 33-35 and 37-29 under 35 U.S.C. §103(a) as being unpatentable over the cited portions U.S. Patent Application No. 2003/0186710 to Muhonen (hereinafter "Muhonen") in view of Zellner. Applicants respectfully request that the rejections be withdrawn for the reasons that follow.

**A. Discussion of Rejections Under 35 USC §102/§103: Benes**

Independent claims 1, 9, 10, and 14 were rejected under 35 USC §102(e) as anticipated by Benes. In order for a claim to be anticipated by a reference, each and every

element, as set forth in the claim, must be described, either expressly or inherently, in the single prior art reference.

Applicants believe significant limitations from independent claims 1, 9, 10, and 14 are neither taught nor suggested by Benes. Specifically, Benes cannot be relied upon to teach or suggest 1) identifying an error or bug associated with the type of equipment comprising the mobile station, as recited in claims 1, 9, 10, or 14, or 2) correcting the identified bug or error in providing location services, as recited in claims 9 or 14.

Benes instead describes a "method for storing location capabilities of mobile stations in a database of a communication network. An identification number is received from a mobile station, and an entry is created in the database corresponding to the identification number" (Benes, col. 2, ll. 2-8). Benes suggests using the identification number to determine "whether the mobile station 102 is operating in an assisted, autonomous or legacy mode" (Benes, col. 6, ll. 37-38).

There is simply no suggestion that the identifier be used to determine the type of mobile station equipment being used to thereby identify bug or error characteristics of the mobile station equipment. It follows, as well, that Benes does not teach or suggest a mechanism to fix or otherwise correct such bugs.

Applicants respectfully submit that independent claims 1, 9, 10, and 14 are allowable for at least the foregoing reasons. Claims 2, 3, 6-8, 11-13, 15, and 16 each depend from these independent claims, and are believed allowable for at least the reason that they depend from an allowable base claim. Applicants respectfully request that the rejections to claims 1-3 and 6-16 under 35 U.S.C. §102(e) and 103(a) be withdrawn.

#### **B. Discussion of Rejections Under 35 U.S.C. §103: Richton, Zellner**

Independent claims 17 and 24 were rejected under 35 U.S.C. §103(a) over Richton in view of Zellner. To establish a *prima facie* case of obviousness, the prior art reference, or references when combined, must teach or suggest all of the claim limitations. MPEP §2143.

Applicants respectfully request reconsideration and allowance of these claims, as amended, because significant limitations from each are not taught or suggested by the cited references. The cited references do not teach or suggest 1) identifying a mobile station type, as recited in claims 17 and 24, or 2) determining operational parameters associated with the identified mobile station type, as recited in claim 17.

Mobile Station Type: The Office specifically concedes that Richton does not teach identifying a mobile station type, and that this limitation is found in Zellner (Final Office Action, p. 8, ll. 18-19).

But Zellner teaches only the use of identification numbers (e.g., serial numbers), and is not directed at the *type* of the equipment being used. Zellner merely suggests storing a serial number or other unique identifier of a wireless device (Zellner, col. 2, ll. 53-65). Zellner fails to suggest that such identifiers be used to "identify" a "type" of mobile station. Instead, Zellner suggests that the identifiers may be used to distinguish the device from other devices in the system.

Claim 24 makes this distinction perfectly clear, providing that a database is queried with the unique identifier to identify the type of equipment in use. Claim 28 further illustrates this point. While Zellner introduces identifiers, the claims are clearly distinguishable, as the identifier is used to identify the type of equipment in use.

Operational Parameters: Claim 17 calls for determining operational parameters associated with the identified mobile station type. As is evident from the discussion above, Zellner fails to teach this limitation, instead simply suggesting that the identifiers be used to distinguish the device from other devices. Zellner uses this information in tracking the movement of a wireless device. But there is plainly no teaching or suggestion in Zellner for *determining operational parameters associated with the identified mobile station type*.

Richton also fails to disclose or suggest this claim limitation, instead describing a method for wireless communication to a mobile unit using location-based information. In Richton, a location-based server stores instruction information to indicate the type of output that will go to the mobile unit, such as emails, airline schedule information, and traffic information (Richton, col 3. ll. 15-22). The location based controller "controls the operation of the other elements in the location based server." (*Id.*, col. 4, ll. 1-2). Information may then be provided to a user based on pre-stored *preference instructions* retrieved from the database for a *particular user*, in light of the determined location of that user.

The following passage from Richton illustrates this functionality, discussing how "the location based preferences server 305 'understands' the user's preferences (e.g., preference for particular airline schedule when the user has approached a threshold, such as within 2 miles of the airport, for example). The location based preferences server 305 matches a user's stored preferences of airlines, for example, to stored location based

preferences, such as receiving airline info when within 2 miles of the airport, and maintains the user's specified actions and preferences as a user profile, to be invoked whenever the user calls for location-based services." (*Id.*, col. 3, ll. 43-52).

The teaching of Richton differs from the claims at issue, wherein operational parameters are determined based on the type of equipment being used. The system of Richton is different, sending information based on the *location* of the device, in light of *user preferences* (Richton, col. 3, ll. 26-28). Richton clearly does not teach a method determining operational parameters based on the type of device used, instead transmitting information based on user-defined preferences.

Applicants respectfully submit that independent claims 17 and 24 are allowable for at least the foregoing reasons. Claims 18-23 and 27-31 each depend from these independent claims, and are believed allowable for at least the reason that they depend from an allowable base claim. Applicants respectfully request that the rejections to claims 17-24 and 27-31 under 35 U.S.C. §103(a) be withdrawn.

#### **C. Discussion of Rejections Under 35 U.S.C. §103: Muhonen, Zellner**

Independent claims 33, 37, and 38 were rejected under 35 U.S.C. §103(a) as unpatentable over Muhonen in view of Zellner. Applicants respectfully request reconsideration and allowance of these claims, as amended.

For a valid rejection under §103(a), the prior art reference, or references when combined, must teach or suggest all of the claim limitations. Applicants respectfully assert that significant limitations from each of the claims are not suggested by the cited references. The cited references do not teach or suggest 1) identifying a mobile station type, as recited in claims 33, 37, and 38, or 2) determining operational parameters associated with the identified mobile station type, as recited in claim 33 and 37.

The Office specifically concedes that Muhonen does not teach identifying a mobile station type, and that this limitation is found in Zellner (Final Office Action, p. 10, ll. 13-16). Zellner does not cure the deficiencies of Muhonen, as Zellner fails to teach or suggest the identification or determination of a mobile station type, as discussed in detail above.

Moreover, the Office specifically concedes that Muhonen does not teach storing or receiving parameter data (*Id.*, p. 10, ll. 15-16). As discussed above, it is also clear that Zellner fails to teach this limitation.

Applicants respectfully submit that independent claims 33, 37 and 38 are allowable for at least the foregoing reasons. Claims 34 and 39 each depend from these independent claims, and are believed allowable for at least the reason that they depend from an allowable base claim. Applicants respectfully request that the rejections to claims 33, 34, and 37-39 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

In light of the arguments presented above, the Applicants respectfully submit that the instant claims are patentable. Accordingly, reconsideration and allowance of this Application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 17-0026.

Respectfully submitted,

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